

L.E.R.A. HEARINGS - RECOMMENDED PENALTIES - REASON - DISPOSITIONS

BOARD HEARING # 1

L.E.R.A. # 70 Complainant [REDACTED]
Respondent Officers - [REDACTED]

85-01-22 complainant parked his taxi in a no parking area and was issued a parking ticket. When he complained to the issuing officers they detained him in the cruiser car for some 15 to 20 minutes and made him apologize for his attitude.

Allegation : Abuse of authority by using Oppressive Conduct.

Reviewed Penalty : VERBAL REPRIMAND. No inference to be drawn from members service record.

Reason : Allegation is second least in severity.

Disposition : Dismissed-Officer's exonerated.

BOARD HEARING # 2

L.E.R.A. #556 - Complainant [REDACTED]
Respondent Officer - [REDACTED]

85-06-23, Complainant was stopped for not wearing a seat belt. One officer refused to remove his flashlight from shining into the face of the complainant which caused him to be hindered in locating his driver's license. Complainant felt that the officers gestures were threatening and asked to be taken to the police station. He was then arrested and handcuffed and was searched in such a manner that his testicles were caused severe pain which lasted for some time.

Allegation : Abuse of authority by using Unnecessary Violence and abusive Conduct.

Reviewed Penalty : FORFEITURE OF ONE DAY OFF. No inference to be drawn from members previous service record.

Reason : Allegation is of Moderate Gravity.

Disposition : Dismissed

BOARD HEARING # 3

L.E.R.A. #544 - Complainant [REDACTED]
Respondent Officer - [REDACTED]

85-05-13, Complainant was arrested on a charge of Cause Disturbance and was placed in the back of the Cruiser Car. Alleges that the officer sitting beside him, punched him in the eye. Upon arrival at the District Station the same officer kicked him in the legs.

Allegation : Abuse of Authority by using Unnecessary Force or Violence.

Reviewed Penalty : FORFEITURE OF ONE DAY OFF. No inference to be drawn from members service record.

Reason : Alleged Default of moderate gravity.

Disposition : Dismissed

BOARD HEARING # 4

L.E.R.A. #578 - Complainant [REDACTED]
Respondent Officers - [REDACTED]

85-08-22, Police attended to the [REDACTED] relative to an argument. Complainant was subsequently arrested for I.P.D.A. and he alleged that while being arrested and handcuffed his face was deliberately pushed into the side of the pool table. The officers then asked him how he felt now.

Allegation : Abuse of authority by using Unnecessary Violence.

Reviewed Penalty : FORFEITURE OF ONE DAY OFF. No inference to be drawn from members service records.

Reason : Default is of Moderate Gravity

Disposition : Dismissed

BOARD HEARING # 5

L.E.R.A. #220 - Complainant [REDACTED]
Respondent Officers - [REDACTED]

85-10-06, Police were called to a disturbance on the street between a brother and sister. Complainant was arrested on the street and he alleges that he was grabbed and thrown against the back of the car and then was handcuffed and thrown into the back seat. On way to the Detox Centre he alleged that the officer sitting beside him punched him in the nose causing it to bleed. The nose was later found to be broken and same required surgery to correct it.

Allegation : Abuse of authority by using Unnecessary Violence.

Reviewed Penalty : ONE DAY SUSPENSION WITHOUT PAY. No inferences to be drawn from memebtrs service file.

Disposition : Dismissed

BOARD HEARING # 6

L.E.R.A. #119 - Complainant [REDACTED]
Respondent Officer - [REDACTED]

85-05-31, Officer was performing special duty at a school dance when complainant attended abdrequested entry, he was refused and was physically pushed out of the door. He was denied his explanation that he wished to meet with a teacher friend and colleague who was supervising the dance. He also alleges he was threatened with arrest.

Allegation : Abuse of authority by using Oppressive Conduct and being Discourteous and Uncivil.

Reviewed Penalty : ADMONITION. No inference to be drawn from members service record.

Disposition : Found guilty of committing the alleged Default.

BOARD HEARING # 7

L.E.R.A. #571 - Complainant [REDACTED]
Respondent Officers - [REDACTED]

85-07-16, Complainant was arrested on an assault charge and alleges that she was taken from her house to the Cruiser Jar without any shoes on, she was not given a chance to call her lawyer and was roughly handcuffed causing pain to her wrists. Was pushed by one officer and struck in knee by another. Claims she was searched by a female officer which in a way amounted to sexual molestation. Also had her hair pulled by all three officers. She was addressed as a witch and a bitch.

Allegation : Abuse of authority by using Unnecessary Violence, Excessive Force and abusive language.

Reviewed Penalty : 2 members FORFEITURE OF 5 DAYS PAY, 1 member ONE DAY SUSPENSION WITHOUT PAY. No inferences to be drawn on members service records.

Disposition : Dismissed-officers exonerated.

BOARD HEARING # 8

L.E.R.A. # 542 - Complainant [REDACTED]
Respondent Officer - [REDACTED]

85-04-24, Complainant was being pursued by officer's and he ran into the porch of a house and lay down on the floor, on his stomach. The officers were right behind him and one entered the room and before the complainant could get up the officer brought his foot down hard on the Complainant's stomach. He was taken to the PSB and complained about pain but was lodged in the P.R.C. and appeared in court later that day, he was released and he started to vomit blood. He was conveyed to the Hospital where he was operated on for a severely damaged pancreas which required a bowel by-pass. A criminal investigation was conducted and reviewed by the A/D/ Attorney General with no criminal charges being laid against the officer.

Allegation : Abuse of authority by using unnecessary and excessive force.

Reviewed Penalty : DISMISSAL. No inferences to be drawn from members service record.

Reason : The seriousness of the allegation would make a lesser penalty inappropriate.

Disposition : Complaint Dismissed - Officer exonerated.

BOARD HEARING # 9

L.E.R.A. #644 - Complainant [REDACTED]
Respondent Officer - [REDACTED]

86-07-16, Complainant was stopped for making an illegal left turn. The officer instead of just taking her driver's license to his car, took the whole wallet. Complainant discussed this with the officer, which resulted in him stating to her " Listen Baby, I have another ticket to hand out" and he walked away.

Allegation - Abuse of authority by being discourteous, Uncivil & Sexist.

Reviewed Penalty : AN ADMONITION. No inferences to be drawn from members service record.

Disposition : INFORMAL RESOLUTION during the hearing.
Sgt. [REDACTED] admitted to Default and was ADMONISHED prior to Hearing date.

BOARD HEARING # 10 L.E.R.A. #272 - Complainant [REDACTED]
Respondent Officer - [REDACTED]

86-05-04, Complainant was joy riding with his mother's auto when he was pursued by off duty officer. Complainant was subsequently stopped after a lengthy pursuit. He alleged that he was dragged out of the car by his arm and was thrown to the ground where the officer held him down by placing his knee on his neck. Complainant was allowed to get up, only to be thrown to the ground again and once again the officer placed his knee on his neck.

Allegation : Abuse of authority by using oppressive Conduct and Unnecessary force.

Reviewed Penalty : 2 DAYS SUSPENSION WITHOUT PAY. No inference to be drawn from members service record.

Disposition : Not Guilty of Unnecessary Force, Guilty of using oppressive conduct in relation to the chase. This was appealed on a point of law and was ruled in favor of the Officer. The Complainant then appealed that ruling but subsequently withdrew his appeal.

BOARD HEARING # 11 L.E.R.A. #570 - Complainant [REDACTED]
Respondent Officer - [REDACTED]

85-07-18, police responded to a complaint of an arguement, it resulted in the Complainant being charged with Obstructing a Peace Officer. She alleges she was thrown to the ground and roughly handcuffed. At the police station she was grabbed by the hair, pushed into a wall, water was thrown on her and deliberty between the legs to make it appear that she had wet herself.

Allegation : Abuse of authority by using unnecessary violence, Abusive and Oppressive Conduct & Language.

Reviewed Penalty : ? 2 days suspension without pay; no implications to be drawn from

Disposition : Hearing concluded with an Informal Resolution. *drawn from officer's service record.*
* Complainant carried this complaint to the Human Rights Board.

BOARD HEARING # 12 L.E.R.A. #331 - [REDACTED]
Respondent Officers - [REDACTED]

86-08-16, officers were called to a disturbance on the street which resulted from the complainant arguing with her mother over her run away son. Complainant was taken from scene and was being given a ride home when she grabbed at the driver's gun to get his attention. She alleges that they stopped the car and the driver made her get out of the car and then struck her in the face. She was then left standing outside to walk home in the middle of the night.

Allegation : Abuse of authority by using Unnecessary Violence and use of Oppressive Conduct.

Reviewed Penalty : 2 DAYS PAY. No inference to be drawn from members service record.
Disposition : Complaint Dismissed.

BOARD HEARING # 13 L.E.R.A. #628 - [REDACTED]
Respondent Officers - [REDACTED]

86-05-26, Complainant and friends were walking along the perimeter after an all night bon-fire party on the riverbank. They stopped at the site of a minor accident that involved others that had been at the party. Officer's were in attendance and began to question the by-standers including the complainant, he alleges that for some reason the officer's singled him out, he was held in a choke hold by his jacket and pushed up against the Cruiser Car and hit with a club on the back of his head so that he was knocked out and received a cut to the back of the head that required sutures.

Allegation : Abuse of authority by using unnecessary violence.

Reviewed Penalty : 5 DAYS SUSPENSION WITHOUT PAY. No inference to be drawn from officers service record.

Disposition : Complaint Dismissed - No evidence called on behalf of the complainant.

BOARD HEARING # 14 L.E.R.A. #270 - [REDACTED]
Respondent Officer - [REDACTED]

86-01-01, Police attended a News Eve Party at the request of the Host. Complainant who was in attendance started to argue with the officers. On the street he was ordered to move on. He was subsequently arrested and placed in the Cruiser Car. He alleges that on the way to the police station he was punched in the nose causing it to bleed. Upon arrival the same officer grabbed him and threw him to the ground.

Allegation : Abuse of authority by using unnecessary violence.

Reviewed Penalty : 1 DAYS SUSPENSION WITHOUT PAY. No inferences to be drawn from members service record.

Disposition : Dismissed - Complainat did not appear.

BOARD HEARING # 15 L.E.R.A. #674 - [REDACTED]
Respondent Officers - [REDACTED]

86-10-22, Complainant was walking in a lane off [REDACTED] Avenue when he was checked by officers who asked him for I.D., he asked why and was told that he was acting suspicious and he was a criminal and if he said any more he would be locked up and go before a judge in the morning. Complainant was issued with a ticket for not using the sidewalk.

The police also threatened to have his auto towed away as an abandoned vehicle.

Allegation : Abuse of authority by use of Oppressive Conduct.

Reviewed Penalty : AN ADMONITION. Chief declined to support recommended penalty because he believed the conduct alleged to be appropriate under the circumstances.

Disposition : Complaint Dismissed.

BOARD HEARING # 16 L.E.R.A. #686 - Complainant [REDACTED]
Respondent Officer - [REDACTED]

Complainant was stopped for a traffic offence of making an illegal left turn after a hockey game at the Arena. Officer threw his flashlight at Complainants vehicle striking same on the right hand door causing damage to same. Officer then pushed and used obscenities to complainant.

Allegation : Abuse of authority by use of Oppressive and Abusive Conduct and language.

Reviewed Penalty : A WRITTEN REPRIMAND. No inferences to be drawn from members service record.

Disposition : Prior to hearing, member admitted to the Default and Chief gave the Officer a written reprimand to be noted on Service record.

BOARD HEARING # 17 L.E.R.A. #662 - Complainant [REDACTED]
Respondent Officers - [REDACTED]

87-08-13, Complainant used profanities at two officers whom he felt were blocking traffic. In retaliation they detained him for a lengthy mechanical check of his vehicle. This led to a further angry outburst by the compl. who was subsequently arrested for creating a disturbance. In the course of his arrest his face was pushed into the hood of the car and he was kned in the groin.

Allegation : Abuse of authority by using Unnecessary Violence and Excessive Force. Oppressive and abusive Conduct.

Reviewed Penalty : Oppressive and abusive conduct a WRITTEN REPRIMAND Unnecessary Violence ONE DAY SUSPENSION WITHOUT PAY. No inferences to be drawn from members service record.

Disposition : Disciplinary Defaults Dismissed.

BOARD HEARING # 18 L.E.R.A. #720 - Complainant [REDACTED]
Respondent Officers - [REDACTED]

87-01-08, Complainant was issued with an offence notice for obstructing

traffic. At the Court case the Complainant alleged that the officers made untrue statements as to obscenities uttered by him. Complainant later found these allegations were contained in notes made by the officers, on the back of the offence notice.

Allegation : Abuse of authority by making a false statement.

Reviewed Penalty : 2 DAYS SUSPENSION WITHOUT PAY. no inferences to be drawn from members service record.

Disposition : Defaults Dismissed

BOARD HEARING # 19 L.E.R.A. #712 - Complainant [REDACTED]
Respondent Officers - [REDACTED]

Officers accompanied a Sheriff's officer to the Complainants former Common-Laws place to serve an eviction notice. Complainant had been called by the common-law. Complainant while supposedly helping to pack some articles, purposely turned a toaster upside down and emptied the crumbs onto the floor. He was requested to clean up the mess. He refused and was grabbed by one of the officer's and thrown against a wall and then forcibly thrown from the house. All the time the officer was shouting obscenities at him and the common-law.

Allegation : Abuse of authority by using unnecessary violence and abusive conduct and language.

Reviewed penalty : FORFEITURE OF 2 DAYS OFF.

Disposition : Defaults Dismissed.

BOARD HEARING # 20 L.E.R.A. #737 - Complainant [REDACTED]
Respondent Officer - [REDACTED]

Complainant was carrying out his function as a Security Officer at the [REDACTED]. He was approached by an off duty police officer who identified himself and accused the Complainant of shoplifting. Complainant tried to explain that he was only pretending to pick up the articles so as to throw a suspect off guard. Officer left and returned 4 hrs later, in uniform and arrested the complainant and charged him with theft. Complainant as a result of this lost his job. Charge was never authorized by the Crown.

Allegation : Abuse of authority by making an arrest without Reasonable and Probable grounds, also using Oppressive and Abusive Conduct.

Reviewed Penalty : FORFEITURE OF 3 DAYS PAY. No inference to be drawn from members service record.

Disposition : Day prior to hearing matter was resolved by way Informal Resolution, Written Apology from [REDACTED].

BOARD HEARING # 21

L.E.R.A. #408 - Complainant [REDACTED]
Respondent Officers - [REDACTED]
- [REDACTED]

87-10-12, Complainant was met at his home by two Police Officers who issued him with an offence notice for failing to comply with the directions of a Police Officer. The alleged offence occurring earlier that evening after a football game at the Stadium. Complainant was advised by his wife that the same two officers had attended the house four times earlier that evening and on one occasion entered and searched the house for him, without a warrant.

Allegation is : Abuse of authority by using Oppressive Conduct

Reviewed Penalty : A Written Reprimand.

Disposition : Hearing scheduled for 88-09-20, postponed to allow complainant time to obtain counsel. On 89-01-13, Commissioner DePourcq advises there was no further contact from [REDACTED], therefore he has closed the file.

BOARD HEARING # 22

L.E.R.A. #807 - Complainant [REDACTED]
Respondent Officer - [REDACTED]

87-12-21, Complainant had an altercation with a Doctor over a medical chart and she made a complaint of assault against the Doctor. She waited three weeks and heard nothing of the investigation. She made some enquiries and she was subsequently arrested and charged with assault on the Doctor. Complainant feels the Officer spoke and behaved in a callous and oppressive manner commanding the Complainant to sit like a "dog".

Allegation is : Abuse of authority by using Abusive Conduct and abusive language.

Reviewed Penalty " A Written Reprimand.

Disposition : Hearing scheduled for 88-09-08. Postponed. New date to have been set. On 88-11-08, Commissioner DePorcq advises that Complainant has withdrawn her request for a hearing. Reason being she cannot afford legal counsel and dos'nt qualify for Legal Aid.

BOARD HEARING # 23

L.E.R.A. #815 - Complainant [REDACTED]
Respondent Officer - [REDACTED]
- [REDACTED]

88-12-30, Police attended a minor dispute over a loud stereo, Compl. alleges he was called a little shit and asshole. He was taken outside kned in the head while being held on the ground. Had abraisons to head.

Allegation is : Abuse of authority by using unnecessary violence, Oppressive conduct and abusive language.

Continues:

BOARD HEARING # 23 continues:

Reviewed Penalty : 2 Days Weekly Leave
Disposition : Hearing scheduled for 88-11-24. On 88-11-23
Complainant withdrew his complaint due to
financial reasons (unable to obtain legal aid)

BOARD HEARING # 24 L.E.R.A. #828 - [REDACTED]
Respondent Officers - [REDACTED]

88-05-24, Complainant was stopped for a traffic offence and was issued with 2 offence notices. She tried to explain that she was on her way to see her sick 86 yr old mother. She felt she was delayed unnecessarily and the officers were discourteous and uncivil and feels she was personally aggrieved.

Allegation : Abuse of Authority by being Discourteous and
Uncivil.
Reviewed Penalty : A Written Reprimand.
Disposition : Hearing on 88-12-16. A recommendation was made at
the hearing that the parties resolve the matter
informally. Matter resolved by INFORMAL RESOLUTION.
No decision by Board required. No penalty administered.

BOARD HEARING # 25 L.E.R.A. #806 - [REDACTED]
Respondent Officers - [REDACTED]

87-12-25, Complainant alleges that she was at [REDACTED], visiting when Police Officers burst into the home, waving handguns, yelling and screaming and took the home owner away. (Investigation due to a triple murder).

Allegation : Abuse of Authority by using Oppressive and Abusive
Conduct and careless use of a firearm.
Reviewed Penalty : 5 Days Weekly Leave. Hearing began Dec 5, 6 + 7, 1988 +
Disposition : Hearing date 89-04-07-10, 11, 12. Remanded until April.

Prior to the re-opening of the hearing on April 7, 1989
counsel for the complainant + respondent officers met
with the Commissioner + after discussion the matter was

BOARD HEARING # 26 L.E.R.A. #824 - Complainant [REDACTED] resolved informally.
Respondent Officer - [REDACTED]

88-04-12, Complainant was stopped for impaired driving and charged. He alleged that excessive force was used when the officer pushed him to the cement and then kicked him. Alleges that the same officer grabbed him by the throat and lifted him up against a table in the interview room.

Allegation : Abuse of authority by using unnecessary violence or
excessive force.

Reviewed Penalty :

BOARD HEARING # 26 continues:

Disposition : Hearing scheduled for 89-01-27. On 89-01-13 Complainant withdrew his request for a hearing, In process of moving out of Province, Accepted Final report as an INFORMAL RESOLUTION.

BOARD HEARING # 27 L.E.R.A. #836 - Complainant [REDACTED]
Respondent Officers - [REDACTED]
- [REDACTED]

88-06-16, Complainant alleges that officers entered her suite without a warrant and searched for her husband whom she has not seen for a while and has a restraining order against him. They advised her that she had no rights. Told her they had a warrant for her husband for B & E. One officer allegedly waved his gun around.

Allegation : Abuse of authority by searching a premise without lawful authority, used oppressive or abusive language and fail to exercise discretion or restraint in the use and care of a firearm.

Reviewed Penalty : [REDACTED] - A Written Reprimand
[REDACTED] - 3 Days Pay

Disposition : Board Hearing set for 89-03-14. During Hearing [REDACTED] allegation was dismissed. [REDACTED] and [REDACTED] met behind closed doors and the matter was RESOLVED INFORMALLY with an apology. Therefore no penalty administered.

BOARD HEARING # 28 L.E.R.A. #849 - Complainant [REDACTED]
Respondent Officers - Cst. [REDACTED]
- Cst. [REDACTED]

88-08-11, Complainant alleges that a Bailiff and two police officers entered her daughters suite without authorization from her and searched for her grandson who is the subject of a custody battle.

Allegation : Abuse of authority by entering a premise without authority or permission.

Reviewed Penalty : A Written Reprimand

Disposition : Hearing date set for 89-03-30 & 31.
89-04-13 complainant accepted a letter of explanation from Respondent Officer's before Hearing Date and file closed as being an INFORMAL RESOLUTION.

BOARD HEARING # 29

L.E.R.A. #847 - Complainant [REDACTED]
Respondent Officers - [REDACTED]
- [REDACTED]

88-07-22, Complainant alleges that he was having neighbour problems and was hit on the back of the head by a basketball. He called the police and when they arrived they went directly to the neighbours and were there for some 90 minutes and then attended his place and they arrested him.

Allegation : Abuse of authority - arrest without reasonable and probable cause.

Abuse of authority - By discriminating because of race, color and ethnic origin.

Reviewed penalty : One Day Weekly Leave.

Hearing date : 89-07-05

Disposition : dismissed; verbal decision with reasons given at hearing no written decision submitted; a decision was later ^{given} (written) stating case dismissed;

BOARD HEARING # 30

L.E.R.A. #853 - Complainant [REDACTED]
Respondent Officer - [REDACTED]

88-08-25, Complainant alleges that as a result of her being assaulted in her home she called the police who when they arrived did'nt go to her place but to the other party involved who lived down the street. She waited for about an hour and then sent a friend of hers to go and get the police. When they attended to her house she was told that they were not here because she called but because the other person had called.

Allegation : Abuse of authority - by using oppressive, abusive conduct or language.

Abuse of authority by being discourteous or uncivil.

Reviewed penalty : A Written Reprimand.

Hearing Date : 89-07-11

Disposition : dismissed; verbal decision with reasons given at hearing no written decision submitted; a written decision was later submitted just saying case dismissed,

BOARD HEARING # 31

L.E.R.A. #842 - Complainant [REDACTED]
Respondent Officers - [REDACTED]
- [REDACTED]

88-07-22, Complainant alleges that while he was walking on the street he was approached by officer's, one of whom continued to shine a flashlight in his eyes after repeated requests for him to stop. He was subsequently detained at the [REDACTED]. Complainant maintains he had not been drinking and was not charged with any offences.

Allegation : Abuse of authority - making an arrest without reasonable or probable grounds.

Abuse of authority by using oppressive or abusive conduct or language.

BOARD HEARING # 31 continues:

Reviewed Penalty : 3 Days Pay.
Hearing Date : 89-07-13 continued on August 11, 1989
Disposition : continued on August 15, 1989

Dismissed; a written decision was submitted saying case dismissed;

BOARD HEARING #32 L.E.R.A. #886 - Complainant [REDACTED]
Respondent Officer - [REDACTED]

Complainant alleges that while skating at the [REDACTED], Constable [REDACTED] grabbed her when she exited out the side door of the arena. He called her "a fucking bitch" and "a slut". He also grabbed her hair, pushed her face into a snow drift and roughly through her into the cruiser car.

Allegation: Abuse of authority - using unnecessary violence and excessive force.
Abuse of authority - using oppressive or abusive conduct or language.

Reviewed Penalty:

Hearing Dates: October 25, 26 and 27, 1989

Disposition: The Board consisting of Sheilla Leinburd, Les Iles and Pam Atnikov dismissed the allegations against the officer. A writted decision is on file signed by the board members. It was sent out to all parties.

BOARD HEARING #33 L.E.R.A. #887 - Complainant [REDACTED]
Respondent Officer - [REDACTED]

Complainant alleges that while driving on [REDACTED] she was stopped for running a red light. The officer very angrily demanded her vehicle registration and licence without any explanation for stopping her. He called her a liar and was very rude and demanding.

Allegation: Abuse of authority - being discourteous and uncivil

Reviewed Penalty: a written reprimand

Hearing Date: October 23, 1989

Disposition: The board consisting of Sheilla Leinburd, Ray Johnson and Clark Morrissett dismissed the allegation against officer #675. A written decision is on file stating the case is dismissed and a verbal decision was given with the reasons at the hearing.

BOARD HEARING #34

L.E.R.A. #928 - Complainant [REDACTED]
[REDACTED]

Respondent Officer - [REDACTED]

On May 9, 1989 while driving down [REDACTED], the complainant was stopped by the officer for speeding. He was rude to her, spoke to her in a harsh manner and after telling her he would drive her home to get her license changed his mind and gave her a ticket instead. She feels she was talked down to because she is a teenager. [REDACTED] was stopped on a previous occasion by the same officer and the family feels the officer is deliberately discriminating against them for some reason.

Allegation: Abuse of authority - abusive conduct or language;
Abuse of authority - being discourteous and uncivil;
Abuse of authority - discourteous and uncivil to [REDACTED] because of previous incident;
Abuse of authority - discrimination based on family status;

Reviewed Penalty: a written reprimand;

Hearing Date: October 20, 1989

Disposition: The Board consisting of Sheilla Leinburd, Ray Johnson and Susan Swaigen dismissed the allegations against the officer. After hearing all evidence from the complainants, a motion was made by the Association lawyer that the complaint be dismissed as no evidence given to support the allegations. The Board agreed and the case was dismissed. The officer did not have to give evidence or testimony at all. A decision in writing is on file signed by the Presiding Officer and all parties notified in writing.

BOARD HEARING #35

L.E.R.A. #873 - Complainant [REDACTED]
[REDACTED]

Respondent Officer - [REDACTED]

On November 8, 1988 the complainant was at home sick when two police officers banged on his back screen door. The officers were there as a neighbor had complained that the complainant had shut off all the water to his house. Cst. [REDACTED] is alleged to have swore at the complainant and damaged the door to the house.

Allegation: Abuse of authority - oppressive or abusive conduct or language;
Abuse of authority - discourteous or uncivil;
Abuse of authority - damaging property;

Reviewed Penalty: forfeiture of one day's leave;

Hearing date: ~~November 6, 1989~~ January 24 and January 26, 1990
The complainant has since requested a change in the date and a new time is being scheduled.

Disposition: The complainant advised our office on Jan. 18/90 that he no longer wished to go to a hearing and wanted his file closed. He advised that he was going to deal with this matter through private prosecution and a letter is on file from him stating this.

BOARD HEARING #36

L.E.R.A. File #881 - Complainant [REDACTED]
Respondent Officer - [REDACTED]

On December 12, 1988 the complainant was stopped during a spotcheck. The officer wrote on her driver's license without her knowledge or permission. Because of her occupation, she has permission to have a box number on her license instead of her home address. As a result of the license being written on, she had to take time off work to obtain another license.

Allegation: Abuse of authority - altering an official document;

Reviewed Penalty: a written reprimand;

Hearing Date: October 11, 1989

Disposition: Before the hearing date, the respondent officer agreed to meet with the complainant to try and resolve this matter informally. The parties met in the offices of the Commissioner on October 27 and the matter was resolved informally. The file has now been closed.

BOARD HEARING #37

L.E.R.A. File #771 - Complainant [REDACTED]
Respondent Officer - [REDACTED]
Respondent Officer - [REDACTED]

On December 8, 1988 the complainant was pinned in the corner of an interview room at the Youth Division, P.S.B., a table was pushed against him and he couldn't breathe. He was also punched in the face and slapped several times. The officers pulled his hair and banged his head against the wall.

Allegation: unnecessary violence or excessive force

Reviewed Penalty: three days suspension without pay

Hearing Date: January 29, 30, 31, 1990

Disposition: The Board consisting of Sheilla Leinburd, Susan Swaigen and Dolores Beaumont found both officers guilty of the allegation of unnecessary violence and excessive force. On February 21 at 9 a.m. the Board heard submissions from both counsel as to what penalty should be administered. The Board administered the penalty of a written reprimand and also referred the matter to the Attorney-General in accordance with Section 35(1) of the Act. They also wanted to recommend to the Attorney-General that no further action be taken against the officers but noted that he was not compelled to follow this advice. (see file for written decision and reasons)

BOARD HEARING #38

L.E.R.A. File No. 872 - Complainant [REDACTED]

Respondent Officer - [REDACTED]

Respondent Officer - [REDACTED]

On November 15, 1988 the complainant was visiting a friend in his suite when police officers came to the door and asked the complainant to go back to his own suite. The complainant complied and overheard the officers talking in the hallway. They said he was probably in his room committing suicide. He stepped out of his room and asked why they would say this. He was then punched in the mouth by one officer while the others watched. He was knocked to the floor and held down with a knee on his throat.

Allegation: use unnecessary violence or excessive force

Reviewed Penalty: 3 days suspension without pay

Hearing Date: March 7 and March 8, 1990

Disposition: Complainant withdrew his complaint on March 2/90

~~NOTE:~~ At this time a new board was appointed by the Justice Minister. See Order in Council No. 412.

BOARD HEARING #39

L.E.R.A. File No. 919 - Complainant [REDACTED]

Respondent Officer - [REDACTED]

Respondent Officer - [REDACTED]

On May 26, 1989 the police attended at the complainant's house about a radio being too loud. One of the officers pulled the speaker off the wall and the complainant got mad and slammed the door in their face. The officers busted the door down and put him in a headlock and twisted his arm. They took him to the police station with no shoes or jacket. They gave him a summons and told him to walk home.

Note: For the purposes of distribution, personal information has been removed by the Commissioner.

Allegation unnecessary violence or excessive force
oppressive or abusive conduct or language

Reviewed Penalty: 3 days suspension without pay

Hearing Date: April 19, 1990

Disposition: The complainant was represented by David Asper of Wolch, Pinx, Tapper Scurfield. The hearing continued all morning and after returning from the lunch break, [REDACTED] indicated he wished to withdraw his case. The officers did not have to give their evidence as the complaint was withdrawn before they had taken the witness stand.

BOARD HEARING #40 L.E.R.A. File No. 819 - Complainant [REDACTED]
Respondent Officer - [REDACTED]

On March 9, 1988 the complainant's brother, [REDACTED] was shot by Constable [REDACTED] on [REDACTED] while looking for a suspect who stole a car.

Allegations: 1. Abuse his authority by committing an assault and/or battery upon [REDACTED]

Reviewed Penalty: suspension without pay up to a maximum of 30 days

2. Abuse his authority by using oppressive conduct or language towards [REDACTED]

Reviewed Penalty: suspension without pay up to a maximum of 30 days

3. Abuse his authority by using unnecessary violence or excessive force

Reviewed Penalty: dismissal

4. Abuse his authority by failing to exercise discretion or restraint in the use and care of firearms

Reviewed Penalty: dismissal

Hearing Date:

Disposition:

It should be noted at this time that this complaint was rejected by the Commissioner. The complainant appealed the decision and the Manitoba Police Commission ordered that the complaint be referred to a board hearing. They determined the penalty in consultation with the Chief of Police.

BOARD HEARING #41 L.E.R.A. File No. 916 - [REDACTED] - Complainant
Respondent Officer - [REDACTED]

On May 3, 1989, the complainant attended at District 5 station to seek some advice in regards to a long standing dispute he had with another person. He attempted to speak with the officer on duty who greeted him with "just a minute" and conducted personal business on the telephone. After a great deal of reluctance he was allowed to speak to a police sergeant. The next day, May 4, 1989, the complainant again attended at District 5 station to speak with the sergeant once again. He was again greeted by the officer on duty who was the same officer that was working the day before. The officer was very snappy to him telling him it was shift change and it would be a long wait before a sergeant would be available. The officer never advised any sergeant that some one was waiting to speak with him and the complainant waited for about 40 minutes in the foyer. Finally he spoke with a sergeant and it seemed obvious from his conversation with the sergeant that no one had advised him a person wanted to speak with him.

Allegation: using oppressive or abusive conduct or language being discourteous or uncivil

Reviewed Penalty: written reprimand

Hearing Date: May 25, 1990

Disposition: The board dismissed the case on the basis that the complainant couldn't identify the respondent officer involved.

BOARD HEARING #42 L.E.R.A. File No. 1592 - [REDACTED] - Complainant
Respondent Officer - [REDACTED]
Respondent Officer - [REDACTED]

On March 7, 1990 the complainant was at home when two officers attended at his home to take him to the Public Safety Building to execute three outstanding warrants in relation to a dog running loose on the street. He feels the officers arrested him wrongfully in regards to the warrant which was in his wife's name.

Allegation: abuse of authority by arresting Mr. [REDACTED] without reasonable or probable grounds

Reviewed Penalty: written reprimand

Hearing Date: November 21, 1990

Disposition: The board dismissed the case on the basis no evidence was presented as the complainant did not show up.

BOARD HEARING #43 L.E.R.A. File No. 1573 - [REDACTED] - Complainant
Respondent Officer - [REDACTED]
Respondent Officer - [REDACTED]

On October 17, 1989 the complainant reports he was walking down a street when he stepped of the curb to cross the street. A car approached him and he had to step back to avoid being hit by the car. The vehicle came to an abrupt stop in the middle of the centre lane and reversed up to the intersection. The car contained two officers who chastised him for crossing the street. He made a reply to the officers that he had nearly been killed by the passing car. The officers said he would be receiving a ticket for jaywalking and asked him to get into the cruiser car. He broke from the officers and was grabbed by them. During the struggle, he felt a puncture to his thigh which was later observed to be a 1 inch cut. His face was also pushed into the ground.

Allegation: using unnecessary force or excessive force
using abusive or oppressive conduct or language

Reviewed Penalty: 1) forfeiture of 3 days' pay
2) forfeiture of 1 days' pay

Hearing Dates: January 29, 30, 31 and February 1, 1991

Disposition: The complainant's counsel and the respondent's counsel met before the commencement of the hearing and resolved this matter informally.

BOARD HEARING #44 L.E.R.A. File No. 1595 - [REDACTED] Complainant
Respondent Officer - [REDACTED]

On February 12, the complainant was operating his vehicle on [REDACTED] and stopped at the stop sign at [REDACTED]. He was preparing to make a left turn to go south on [REDACTED] while another vehicle operated by Constable [REDACTED] who was off duty at the time cut across to the front of Mr. [REDACTED] vehicle. Constable [REDACTED] stopped in the middle of his turn with the result both vehicles were stopped facing each other. Mr. [REDACTED] states he waved for the officer to proceed through however he could see by the officer's expressions that he was irate. A heated discussion occurred between the two of them with Constable [REDACTED] asking for the complainant's driver's license and registration. [REDACTED] pointed out the officer was in civilian clothes and didn't produce any identification. He felt his personal safety was in jeopardy and departed from the scene. The officer later attended at [REDACTED] [REDACTED] place of employment and issued him with four summons for driving offences.

Allegation: using oppressive or abusive conduct or language
using his status as a member of the [REDACTED] P.D. by seeking improper personal advantage in his dealings with [REDACTED]

Reviewed Penalty: For both allegations, the penalty is a written reprimand.

Hearing Date: March 22, 1991

Disposition: As [REDACTED] was sick on this date, the hearing was re-scheduled for 1/2 day to April 12, 1991. The case was dismissed and the board gave a verbal decision at the hearing.

BOARD HEARING #45 L.E.R.A. File No. 1625 - [REDACTED] - complainant
Respondent Officer - [REDACTED]

On August 8, 1990 the complainant rented a U-drive vehicle from [REDACTED] office. When he returned the vehicle later the same day, he admits he became annoyed at the clerk when he was presented with the final bill. He did swear at her and yell "in court", he then grabbed the bill and left. The clerk on duty at the time who is the wife of the respondent officer was highly upset over the incident. She called security and the office was closed for the rest of the day. On August 16, the respondent officer attended at the complainant's residence and advised him he was there on a criminal matter, that [REDACTED] had lunged across the counter with a pen and in doing so had lunged at the clerk on duty. He advised him the clerk was his wife and the whole family was very upset over his actions.

Allegations: Abuse his authority by using his status as a member of the [REDACTED] Police Department in his personal dealings with the complainant;

Abuse his authority by using his status as a member of the [REDACTED] P.D. by seeking improper pecuniary or personal advantage during his conversation with [REDACTED].

Reviewed Penalty: written reprimand for both allegations;

Hearing Date: March 27, 1991

Disposition: The presiding officer gave a verbal decision of the board at the hearing. The allegations against the respondent officer were dismissed. A copy of the transcript of the verbal reasons was ordered and is on file.

BOARD HEARING #46 L.E.R.A. File No. 1597 - [REDACTED] - complainant
Respondent Officers - [REDACTED]

On January 17, 1990 he was driving his car on [REDACTED] between the [REDACTED] and the [REDACTED] when he was stopped by the police. They ran his name on the computer and found he was wanted on an outstanding warrant. They forcefully walked him their car and forced him over the hood of the car. They banged his head on the front of the car and one officer grabbed his throat pushing it and squeezing it and pulled his hair. He was also kned three times in the groin and also called an asshole.

Allegations: On January 17, 1990 while arresting [REDACTED] use unnecessary violence or excessive force against the complainant;

On January 17, 1990 while arresting [REDACTED] use oppressive or abusive conduct or language towards the complainant;

Reviewed Penalty: unnecessary violence - 2 days' pay oppressive and abusive

Hearing Date: July 8, 1991

conduct or language -
1 days' pay

Disposition: The deputy presiding officer made a decision that they did not have the jurisdiction to hear the complaint as the complaint was time expired. The case did not proceed any further.

BOARD HEARING #47 L.E.R.A. File No. 1610 - [REDACTED] - complainant
Respondent Officers - [REDACTED]

On May 19, 1990 the complainant was at his wife's residence when the police were called. He went outside to see what they wanted and he was thrown to the ground, handcuffed, legs were shackled, kicked and hit with a nightstick. He has marks from the handcuffs and has lost feelings in his hands.

Allegations: using unnecessary violence or excessive force;
using oppressive or abusive conduct or language;
being discourteous or uncivil;
assisting Constable Billedeau in committing a disciplinary default or counselling or procuring another person to commit a disciplinary default;

Reviewed Penalty: unnecessary violence - 2 day's pay
oppressive or abusive conduct - 1 day's pay
discourteous or uncivil - written reprimand
assisting in committing a default - written reprimand

Hearing Date: September 9 - 13, 1991

Disposition: Allegations against officers dismissed; no evidence presented by complainant. A copy of the transcript for Board's reasons why case dismissed is on file.

BOARD HEARING #48 L.E.R.A. File No. 1596 - [REDACTED] - complainant
Respondent Officers: [REDACTED]

On March 2, 1990 the complainant was walking west across [REDACTED] between two buildings heading towards Maryland. He recalls two officers stopping him. They bent his arm backwards causing his arm to break. He was then taken to the [REDACTED].

Allegations: using unnecessary violence or excessive force;

Reviewed Penalty:

Hearing Date: November 25, 26, 1991

Disposition: Complaint withdrawn - no hearing.

BOARD HEARING #49 L.E.R.A. File No. 1506 - [REDACTED] - complainant

Respondent Officer: [REDACTED]

On September 5, 1990 around 8:10 a.m. [REDACTED] was at home sleeping when two officers came in to arrest him. As they were leaving his home, the complainant jumped out an open window and ran down a lane. One officer gave chase and upon apprehending the complainant hit him twice in the face. He was then returned to his place of residence, the [REDACTED] and finally the [REDACTED].

Allegations: using unnecessary violence or excessive force;

Reviewed Penalty:

Hearing Date: November 12 - 14, 1991

Disposition: Complaint resolved informally - no hearing.

BOARD HEARING #50

L.E.R.A. File No. 1645 - [REDACTED] - complainant
Respondent Officers - [REDACTED]

On February 2, 1991 while in her front yard building a snow hut for her children and playing with their dog, a police cruiser car pulled up. The officers never explained why they were there, she was asked to sit in the rear of the cruiser. She was removed from her home on the basis that she needed sobering up. She was held in the [REDACTED] for 1 1/2 hours.

Allegations: using oppressive or abusive conduct or language;
discriminated on the basis of race in contravention of
Section 29(a)(vii) of The Law Enforcement Review Act

Reviewed Penalty:

Hearing Date: February 5, 1992

Disposition: The Board dismissed the alleged disciplinary defaults
against both officers on the basis the allegations were
not proven beyond a reasonable doubt.

BOARD HEARING #51

L.E.R.A. File No. 1632 - [REDACTED] - complainant
Respondent Officer - [REDACTED]

On the morning of July 21, 1990 the complainant was stopped by a cruiser car on [REDACTED] and arrested in regards to an armed robbery. She was taken to Crime Division in the [REDACTED]. She exercised her right to remain silent, however alleges the officer in question slapped her when she mentioned this. She was held in [REDACTED]. Claims she was never read her rights.

Allegations: using unnecessary violence or excessive force.

Reviewed Penalty:

Hearing Date: November 20, 1991

Disposition: Complainant, [REDACTED], withdrew her complaint prior
to the hearing.

BOARD HEARING #52

L.E.R.A. File No. 1644 - [REDACTED] - complainant
Respondent Officers - [REDACTED]

While driving south on [REDACTED] Street January 23, 1991 the complainant was pulled over by a cruiser car and advised this was a spot check. The officer asked to see his driver's license and registration. At which time a plainclothes officer arrived and asked a number of questions about what he was doing at a certain woman's house. He was detained in the cruiser car while they searched his vehicle, then wrote him up with a number of traffic tickets.

Allegations: While dealing with the complainant, [REDACTED], January 23, 1991 abused his authority by being discourteous and uncivil towards the complainant in contravention of Section 29(a)(iv) of the Law Enforcement Review Act.

While dealing with the complainant, [REDACTED], January 23, 1991 abused his authority by using oppressive or abusive conduct towards the complainant, in contravention of Section 29(a)(iii) of the Law Enforcement Review Act.

Reviewed Penalty:

Hearing Date: Hearing scheduled for December 2, 1992 - Postponed indefinitely.

BOARD HEARING #53

L.E.R.A. File No. 1656 - [REDACTED] - complainant

Respondent Officers - [REDACTED]

On March 25, 1991 at 8:30 p.m. the complainant, [REDACTED], driving on [REDACTED] Avenue to pick up his spouse, was stopped and issued seven offense notices. His vehicle was seized and towed, leaving him to hail a cab to pick up his wife. Approximately 15-20 minutes after his release, he proceeded home to find the same cruiser car in front of his house. He went to a nearby restaurant, phoned his brother who was at his home watching the complainant's son, and was informed the officers had entered the house and were searching it.

Allegation: Without possession of a lawful search warrant abused their authority by entering and searching the dwelling of the complainant, [REDACTED], without permission and when he was not present.

Note: For the purposes of distribution, personal information has been removed by the Commissioner.

Reviewed Penalty:

Hearing Dates: January 28, and 29, 1992

Disposition: On April 10, 1992 the Board presented its decision. The Board found that both officers abused their authority by entering and searching the home of the complainant without permission or warrant. Officer [REDACTED] was given a verbal reprimand and Officer [REDACTED] was given forfeiture of 3 days pay. A transcript of the decision was ordered and is on file.

BOARD HEARING #54 L.E.R.A. File No. 1670 - [REDACTED], complainant
Respondent Officer - [REDACTED]
Respondent Officer - [REDACTED]

On April 9, 1991 at 11:00 p.m. the complainant, [REDACTED], was driving home north on [REDACTED] Street toward [REDACTED]. A police cruiser which had from [REDACTED], followed him a few block and then pulled him over. The complainant was issued a traffic offense for allegedly rolling through a stop sign, which he objected to. A verbal discussion ensued over the ticket, whereby the complainant alleges he smelled liquor on the officers' breath. The officer took obvious offense to this, stating the complainant was impaired, and arrested him for impaired driving. He was forcibly handcuffed, head slammed on hood of car, breaking his glasses, and kicked in groin to get him in back of cruiser. At Public Safety Building he was given a breathalyzer, with apparent low level results, and charged with Cause a Disturbance.

Allegation: Abuse his authority by using unnecessary violence or excessive force during the arrest and subsequent processing of Leonard Heinrichs;

Abuse his authority by using oppressive or abusive conduct or language during the arrest and subsequent processing of [REDACTED]; and

Abuse his authority by being discourteous or uncivil during the arrest and subsequent processing of [REDACTED].

Reviewed Penalty:

Hearing Date: May 25, 1992

Disposition: Prior to commencement complainant, [REDACTED], met with officers' counsel and officers, whereby the complaint was resolved informally.

BOARD HEARING #55 L.E.R.A. File No. 1619 - [REDACTED], complainant
Respondent Officer - [REDACTED]

On July 28, 1990 [REDACTED] attended at [REDACTED] to remove [REDACTED] belongings. The owner/manager was not very receptive to this, he was racist and abusive. They phoned the police for assistance. When the police arrived the respondent officer was as rude and abusive as the owner/manager of [REDACTED]. He wouldn't listen to the fact that the complainant had called for assistance. They were informed to remove themselves and come back tomorrow. On July 29, 1990 they again attended at [REDACTED] Sstorage, but only after phoning police for an escort and advising [REDACTED] they would be coming. Upon arrival the same respondent officer was in attendance, and again was rude and abusive.

Allegations: Abuse his authority by using oppressive or abusive conduct or language in dealing with [REDACTED] on July 28, 1990;

Abuse his authority by being discourteous or uncivil towards [REDACTED] on July 28, 1990;

Abuse his authority by using oppressive or abusive conduct or language in dealing with [REDACTED] July 29, 1990; and

Abuse his authority by being discourteous or uncivil towards [REDACTED] July 29, 1990.

Reviewed Penalty:

Hearing Date: April 14 and 15, 1992

Disposition: No Hearing - Respondent officer elected to plead guilty.
The recommended penalty was forfeiture of 1 day of weekly pay for default committed on July 28, 1990 and 1 day of weekly pay for defaults committed on July 29, 1990.

L.E.R.A. #688 - Complainant - [REDACTED]
Respondent Officer - [REDACTED]

NO BOARD HEARING *****

87-01-21. Complainant was driving his son to school. At [REDACTED] Ave and [REDACTED] St. he was stopped waiting for children to cross. He then proceeded to cross, when suddenly a police officer jumped from a car ahead of him and began flailing his arms and started to berate the Complainant and ended by calling the complainant a "stupid bloody asshole".

Allegation : Abuse of Authority by being discourteous, uncivil and use of abusive language.

Reviewed Penalty : A Verbal Reprimand.

Disposition : Cst. [REDACTED] admitted to Commissioner that he did commit the defaults. As neither [REDACTED] or the Complainant were willing to settle with an informal Resolution, the Reviewed penalty was administered.

Note: For the purposes of distribution, personal information has been removed by the Commissioner.